

Message Text

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ACTION L-03

INFO OCT-01 NEA-10 ISO-00 SSM-03 OC-05 CCO-00 CPR-01

CIAE-00 INR-07 NSAE-00 DODE-00 SAB-01 IO-11 IGA-02

PM-04 NSC-05 SP-02 SS-15 SSO-00 NSCE-00 INRE-00 PRS-01

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----- 091040

O R 071200Z APR 76

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC IMMEDIATE 1745

INFO USMISSION SINAI

C O N F I D E N T I A L SECTION 1 OF 2 CAIRO 4576

EO 11652: GDS

TAGS: PFOR EG IS US

SUBJECT: PRIVILEGES FOR SFM PERSONNEL

REF: (A) STATE 81680, (B) CAIRO 3874

1. POLCOUNS PREPARED NEW DRAFT TEXT OF FIRST PERSON NOTE FROM FOREIGN MINISTER FAHMY TO AMBASSADOR AND PRESENTED IT TO MFA LEGAL DIRECTOR AL-ARABY ON APRIL 6. DRAFT NOTE TAKES INCLUDES PROPOSED NEW ARTICLE 4 AND ARTICLE 9 CONTAINED REFTTEL AND PREVIOUS CHANGES ALREADY AGREED TO BY DEPARTMENT.

TEXT FOLLOWS:

2. BEGAIN TEXT: EXCELLENCY: I HAVE THE HONOR TO REFER TO THE UNITED STATES PROPOSAL OF 1 SEPTEMBER 1975, WHICH WAS ACCEPTED BY EGYPT, IN CONNECTION WITH THE EARLY WARNING SYSTEM. IN THE LIGHT OF THAT ACCEPTANCE WHICH WAS BASED ON THE FULL RESPECT OF EGYPT'S SOVEREIGNTY AND TERRITORIAL INTEGRITY, I WOULD LIKE TO PROPOSE THE FOLLOWING:

1. THE GOVERNMENT OF THE UNITED STATES SHALL
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NOTIFY THE COMPETENT AUTHORITIES OF THE ARRIVAL AND

THE FINAL DEPARTURE OF ALL U.S. CIVILIAN PERSONNEL (USCP) ASSIGNED PURSUANT TO THE ABOVE PROPOSAL WITHIN AN APPROPRIATE PERIOD PRIOR TO SUCH ARRIVAL AND DEPARTURE.

IN ALL CASES THE NUMBER OF USCP MUST NOT EXCEED AT ANY TIME TWO HUNDRED PERSONS.

2. ALL USCP WILL RESPECT EGYPTIAN LAWS, REGULATIONS, CUSTOMS AND TRADITIONS, AND REFRAIN FROM ANY ACTIVITY OR ACTION INCOMPATIBLE WITH THEIR FUNCTIONS ACCORDING TO THE ABOVE U.S. PROPOSAL OR INCONSISTENT WITH ITS SPIRIT. THE GOVERNMENT OF THE UNITED STATES WILL TAKE APPROPRIATE STEPS TO ENSURE THAT THE USCP ABIDE BY THIS PARAGRAPH.

3. THE PRIVILEGES AND IMMUNITIES GRANTED TO THE ABOVE MENTIONED PERSONS ARE FOR THE PURPOSE OF FACILITATING THE PERFORMANCE OF THE FUNCTIONS AGREED UPON IN THE ABOVE PROPOSAL.

4. PURSUANT TO PARAGRAPH 6 OF THE ABOVE U.S. PROPOSAL, MEMBERS OF THE USCP SHALL BE IMMUNE FROM THE CRIMINAL AND CIVIL JURISDICTION OF THE ARAB REPUBLIC OF EGYPT. TO ASSURE THAT TO THE GREATEST EXTENT POSSIBLE NO INJUSTICES SHALL BE DONE BECAUSE OF THIS IMMUNITY, THE GOVERNMENT OF THE UNITED STATES ADVISES AS FOLLOWS:

A. ALL MEMBERS OF THE USCP HAVE UNDERTAKEN TO CARRY THIRD PARTY LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN THE MINIMUM REQUIRED BY THE ARAB REPUBLIC OF EGYPT FOR ORGANIZATIONS NOT REGISTERED WITH THE EGYPTIAN INSURANCE COMPANY;

B. THE SECRETARY OF STATE SHALL SYMPATHETICALLY CONSIDER, IN ACCORDANCE WITH RELEVANT PROVISIONS OF U.S. LAW, THE PAYMENT OF CLAIMS PRESENTED BY THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT FOR PERSONAL OR PROPERTY DAMAGE TO ANY OF ITS NATIONALS, ARISING OUT OF ACTIONS
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OF THE MEMBERS OF THE USCP AND NOT ADEQUATELY COMPENSATED BY THE LIABILITY INSURANCE POLICIES MENTIONED ABOVE;

C. THE GOVERNMENT OF THE UNITED STATES SHALL SYMPATHETICALLY CONSIDER REQUESTS BY THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT IN PARTICULAR CASES TO WAIVE THE IMMUNITY GRANTED BY THIS ARTICLE.

5. APPROPRIATE AUTHORITIES OF THE ARAB REPUBLIC OF EGYPT OUTSIDE THE ZONE OF THE ABOVE MENTIONED EARLY WARNING SYSTEM MAY TAKE INTO CUSTODY ANY OF THE ABOVE PERSONS SUSPECTED OF THE COMMISSION OR ATTEMPTED COMMISSION OF A CRIMINAL OFFENSE OR ACTION CAUSING SERIOUS INJURY TO PERSONS OR PROPERTY IN ORDER IMMEDIATELY TO DELIVER SUCH PERSON, TOGETHER WITH ANY PROPERTY IN HIS OR HER POSSESSION, TO THE NEAREST APPROPRIATE REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED STATES AND SHALL IMMEDIATELY INFORM THE DIRECTOR OF THE ABOVE DESCRIBED UNITED STATES PERSONNEL OR HIS DESIGNEE OF ANY SUCH ACTION. SUCH PERSONS SHALL NOT BE ARRESTED OR INCARCERATED BUT MAY BE INTERVIEWED BY APPROPRIATE EGYPTIAN AUTHORITIES AFTER THEIR DELIVERY TO, AND IN THE PRESENCE OF, AN APPROPRIATE REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED STATES. EVEN IF ANY SUCH PERSON IS NOT TAKEN INTO TEMPORARY CUSTODY IN ACCORDANCE WITH THIS PARAGRAPH, THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT SHALL IMMEDIATELY NOTIFY THE DIRECTOR OF THE ABOVE DESCRIBED UNITED STATES PERSONNEL OR HIS DESIGNEE OF ANY ALLEGED CRIMINAL OFFENSE, ACTION RESULTING IN A POSSIBLE CLAIM FOR DAMAGES OR OTHER MISCONDUCT BY THE ABOVE PERSONS.

6. THE ABOVE PERSONS AND THEIR PERSONAL PROPERTY INCLUDING VEHICLES, SHALL BE EXEMPT FROM ALL FORMS OF TAXATION AND CUSTOMS DUTIES AND INSPECTION IN THE ARAB REPUBLIC OF EGYPT.

7. THE ABOVE PERSONS WILL BE FURNISHED WITH APPROPRIATE IDENTIFICATION WHICH SHALL BE PRODUCED UPON DEMAND TO THE APPROPRIATE AUTHORITIES OF THE ARAB
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REPUBLIC OF EGYPT. THE ARAB REPUBLIC OF EGYPT SHALL FURNISH THE ABOVE PERSONS WITH APPROPRIATE LICENSE PLATES FOR THEIR PERSONALLY OWNED VEHICLES AND OTHER APPROPRIATE PASSES, DOCUMENTS AND PERMITS.

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C O N F I D E N T I A L SECTION 2 OF 2 CAIRO 4576

8. IN THE PERFORMANCE OF THEIR FUNCTIONS UNDER THE ABOVE U.S. PROPOSAL, THE MEMBERS OF THE USCP AS WELL AS THEIR VEHICLES, VESSELS, AIRCRAFT AND EQUIPMENT SHALL ENJOY WITHOUT PAYMENT OF FEES OR CHARGES, FREEDOM OF MOVEMENT BETWEEN THEIR ZONES AS SPECIFIED IN THE ABOVE U.S. PROPOSAL, AND TO AND FROM POINTS OF ACCESS TO EGYPT, ACCORDING TO PROCEDURES AGREED UPON BETWEEN THE EGYPTIAN AUTHORITIES AND THE DIRECTOR OF USCP.

9. THE PROVISIONS OF THIS LETTER SHALL APPLY EQUALLY TO DEPENDENTS, RESIDENT IN THE ARAB REPUBLIC OF EGYPT, OF MEMBERS OF THE USCP. PROCEDURES FOR IMPLEMENTING THIS ARTICLE SHALL BE AGREED UPON BETWEEN THE DIRECTOR OF THE USCP AND EGYPTIAN AUTHORITIES.

UPON ACCEPTANCE OF THE ABOVE PROVISIONS, THE PRESENT LETTER AND YOUR REPLY WILL BE CONSIDERED AS CONSTITUTING AN INTEGRAL PART OF THE ABOVE U.S. PROPOSAL OF 1 SEPTEMBER 1975 AND SHALL BE DEEMED TO HAVE TAKEN EFFECT AS FROM THE DATE OF ARRIVAL OF THE FIRST PERSONS OF USCP IN EGYPT AND SHALL REMAIN IN FORCE UNTIL THE DEPARTURE OF THE USCP FROM EGYPT AS ENVISAGED BY THE PROPOSAL
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PERFORMING THEIR FUNCTION. END TEXT.

3. RE PARA 1 POLCOUNS INFORMED AL-ARABY THAT TERM U.S. CIVILIAN PERSONNEL DOES NOT ENCOMPASS TDY CONTRACTOR PERSONNEL WHO WILL BRING TOTAL NUMBER OF PERSONNEL

OVER 200 UNTIL MID-JULY AFTER WHICH PERMANENT
CADRE WILL REMAIN APPROXIMATELY 170. AL-ARABY
TOOK NOTE OF THIS AND SAID HE WOULD MENTION IT TO
HIS SUPERIORS. HE THOUGHT IT WOULD POSE NOT
PROBLEM. AL-ARABY PROMISED TO TAKE UP DRAFT NOTE URGENTLY
WITH HIS SUPERIORS IN ORDER TO ARRIVE AT AGREED TEXT
BY APRIL 12 WHEN FM FAHMY RETURNS. HE REITERATED
MFA'S DESIRE TO DEAL WITH ANY SPECIAL PROBLEMS THAT MAY
ARISE DURING INTERIM PERIOD INVOLVING SFM PERSONNEL.

4. AMBASSADOR RAISED SUBJECT WITH MINISTER OF STATE
RIAD MORNING OF APRIL 7. RIAD SAID
AL-ARABY HAD INFORMED HIM OF NEW DRAFT TEXT AND WAS
MEETING WITH HIM LATER IN THE DAY TO DISCUSS IT.
RIAD PROMISED TO DO WHAT HE COULD TO BRING MATTER
TO EARLY CONCLUSION.
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